

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MAURICE T. BULLOCK, #189070,

Plaintiff,

v.

PATRICE RICHIE,

Defendant.

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CIVIL ACTION NO. 2:18-CV-579-MHT
[WO]

RECOMMENDATION OF THE MAGISTRATE JUDGE

The instant 42 U.S.C. § 1983 action was opened on June 14, 2018, through Plaintiff's filing of a document captioned as a *TRO, Nunc Pro Tunc, Tecus Decem*. Doc. 1. The court denied the motion by order entered June 14, 2018. Doc. 2. On June 19, 2018, the court received correspondence from Plaintiff which the clerk docketed as a "*Notice*." Doc. 5. In this Notice, Plaintiff states that his TRO "should have been a part of [*Bullock v. Richie*], 2:18-CV-539-WKW." *Id.* Accordingly, on June 20, 2018, the court directed the Clerk to place a copy of Plaintiff's June 14, 2018, temporary restraining order (TRO) in Civil Action No. 2:18-CV-539-WKW, *Bullock v. Ritchie*. Doc. 6. The June 20 order further directed Plaintiff to show cause on or before July 5, 2018, why the above-captioned action should not be dismissed. The requisite time has passed and Plaintiff has filed no response. Consequently, the court concludes that dismissal of this case is appropriate.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be DISMISSED without prejudice and that all pending motions be DENIED.

It is

ORDERED that **on or before October 4, 2018**, Plaintiff may file an objection to the Recommendation. Any objection filed must specifically identify the factual findings and legal conclusions in the Magistrate Judge's Recommendation to which Plaintiff objects. Frivolous, conclusive or general objections will not be considered by the District Court. This Recommendation is not a final order and, therefore, it is not appealable.

Failure to file a written objection to the proposed findings and recommendations in the Magistrate Judge's report shall bar a party from a *de novo* determination by the District Court of factual findings and legal issues covered in the report and shall "waive the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions" except upon grounds of plain error if necessary in the interests of justice. 11th Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

Done, on this the 21st day of September, 2018.

/s/ Susan Russ Walker
Susan Russ Walker
United States Magistrate Judge